MR. G. B. E. TRUSCOTT : I claim notice.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : An answer is furnished to that question and therefore may I know whether the Chief Engineer was right in claiming notice ?

PRESIDENT : The Chief Engineer may not have sufficient information to answer this specific question.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : My definite question is what was the reason for such increase in contingencies in 1113 ?

MR. G. B. E. TRUSCOTT : I have not got sufficient information to satisfactorily answer that question and therefore I claim notice.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : May I know whether as a result of amalgamation, one Executive Engineer had to be declared supernumerary Executive Engineer ?

MR. G. B. E. TRUSCOTT : Yes. That was only for the time being until he was absorbed in the next vacancy.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : What was the amount of salary drawn by him during that year ?

MR. G. B. E. TRUSCOTT : I claim notice.

Pension of Mr. Changanachery K. Parameswaran Pillai.

103. ✱ **MR. K. NARAYANAPERUMAL NADAR :** Will the Government be pleased to state whether it is a fact that the pension given to Mr. Changanachery K. Parameswaran Pillai, a retired High Court Judge, is stopped ?

MR. M. GOVINDA PILLAI : The pension in question has been withheld.

MR. K. NARAYANAPERUMAL NADAR : May I know from Government why his pension was withheld ?

MR. M. GOVINDA PILLAI : The answer will be apparent from the correspondence that has already been placed on the Secretary's table. But for the purpose of further elucidation I may say that it was withheld on the ground that he was regarded as guilty of grave misconduct.

MR. K. NARAYANAPERUMAL NADAR : May I know the nature of the misconduct ?

MR. M. GOVINDA PILLAI : Sir, Government considered it a grave misconduct on the part of the pensioner to associate himself with a movement which has been and is unconstitutional in its activities and which is carried on in a manner which has a tendency to subvert the peace and good order of society advocating civil disobedience and similar movements.

MR. K. NARAYANAPERUMAL NADAR : May I know the nature of the crime he has committed ?

MR. M. GOVINDA PILLAI : I did not use the word "crime". I said that he was guilty of grave misconduct.

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MR. K. NARAYANAPERUMAL NADAR: Then may I know the nature of the misconduct he has done?

MR. M. GOVINDA PILLAI: I have already explained that.

MR. K. NARAYANAPERUMAL NADAR: Is it for the executive to say that he has committed sedition through his utterances?

PRESIDENT: Does the honourable member suggest that the executive Government should not have adopted comparatively mild methods but that he should be prosecuted if the Government were advised that his utterances were seditious?

MR. C. JEBAMONY NADAR: May I know from the honourable member the relevant rule for withholding pension to an officer of Government?

MR. M. GOVINDA PILLAI: I shall read the relevant portion of the Travancore Civil Service Regulations. It is governed by Article 224. It reads thus:—

> "Future good conduct is an implied condition of every grant of pension. The Government reserves to itself the right of withholding or withdrawing a pension or any part of it, if the pensioner be convicted of serious crime or be guilty of grave misconduct."

MR. C. JEBAMONY NADAR: Do the Government expect that the officers will be aware of these rules at the time of appointment?

MR. M. GOVINDA PILLAI: Certainly. Every officer is expected to know the rules of the service.

MR. C. JEBAMONY NADAR: If they are not aware of that, do the Government take it as a misconduct or inefficiency on their part?

MR. M. GOVINDA PILLAI: Ignorance of rules is not by itself considered as misconduct.

MR. M. SIVATHANU PILLAI: May I know whether the Government are aware that Mr. Changanacherry Parameswaran Pillai has in the course of his statement said that he was not aware of the rule referred to in the T. S. R.?

MR. M. GOVINDA PILLAI: I do not remember that he pleaded ignorance of the provision that I read just a while ago.

MR. M. SIVATHANU PILLAI: May I know whether he did not make a definite statement to that effect?

MR. M. GOVINDA PILLAI: I do not remember to have seen such a definite statement.

MR. M. SIVATHANU PILLAI: May I know whether the Government do not send a copy of the Service Regulation to their officers at the time of appointment?

MR. M. GOVINDA PILLAI: These officers are entitled to a copy of the Service Regulation and Mr. Changanacherry Parameswaran Pillai did enjoy that privilege.

MR. M. SIVATHANU PILLAI: May I know whether Mr. Changanacherry Parameswaran Pillai is a retired Judge of the High Court?

MR. M. GOVINDA PILLAI: Yes, Sir.

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MR. M. SIVATHANU PILLAI: Then how does the Government reconcile the statement issued by him that he was not aware of any such rule in the Service Regulation?

PRESIDENT: I presume that the honourable members are aware of the existence of the Legislative Assembly Manual which contains rules relating to and binding on the members of this House; similarly every officer ought to know what the Government rules are in respect of his tenure as Government servant.

MR. M. SIVATHANU PILLAI: In view of that, may I know whether the Government will bestow their serious attention when the future recruitment to High Court Judges take place and see that their officers are aware of the Service Regulation at the time of their appointment as Judges?

MR. M. GOVINDA PILLAI: In this connection I may read one relevant sentence from Mr. Parameswaran Pillai's own statement:

> "As regards my pension I know it is not a statutory one and its continuance depends upon the sweet will and pleasure of Government."

From such a statement it could be gathered that he has had a full knowledge of the implications of the rules on the subject.

MR. C. JEBAMONY NADAR: Is the grant of pension according to the sweet will of Government?

MR. M. GOVINDA PILLAI: It is not statutory. The statement issued by a former Judge of the High Court may in this point be relied upon.

PRESIDENT: Does the Financial Secretary maintain the soundness of the legal position in this matter?

MR. M. GOVINDA PILLAI: No, Sir.

MR. P. SIVARAMA PILLAI: Since the statement is placed on the table of the Secretary to the Assembly there is some difficulty for some of the members on this side to study the question and then put supplementary questions. Under the circumstances will the honourable member be pleased to read that correspondence?

PRESIDENT: Order order. The correspondence consists of four or five letters and it was considered an unnecessary waste of money to print that correspondence and distribute it to all the honourable members of the House and therefore that correspondence is placed on the table of the Secretary. If honourable members want to consult the correspondence they may do so, but if the honourable members want the Financial Secretary to read the correspondence or give a summary of the correspondence, I shall allow him the latitude to do so. Mr. Financial Secretary, you may give a summary of the correspondence.

MR. M. GOVINDA PILLAI: Sir, the first letter from the Government was an enquiry as to whether he was a member of the State Congress. In reply he stated that he was, but at the same time he raised the question of the propriety of the Chief Secretary to Government in having addressed a letter of that kind to him, because he presumed that as Judges of the High Court enjoyed the privilege of communications addressed to them proceeding from the Dewan, the Dewan should have written to him.

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PRESIDENT : Of course at the time of the correspondence he was not a High Court Judge but had retired. He must have overlooked this circumstance.

MR. M. GOVINDA PILLAI : That aspect too has been pointed out in the reply from Government. Subsequently his attention was invited to his active participation in some of the seditious movements and to some of his objectionable utterances and he was told that Government, should he persit, in his line of action would be painfully constrained to withhold his pension. To that he sent a reply in which he said that he became a member of the State Congress after he thought that it had ceased to be disloyal. He said.—

> "I am sorry it is difficult for me to understand you when you say that the State Congress is "an organisation which in the opinion of the Government has been indulging in seditious propaganda and is subversive of authority and injurious to the interests of the State." Whatever may have been the opinion of Government in regard to the activities of the State Congress at one time, when they suspended the notification under the Criminal Law Amendment Act declaring the State Congress an unlawful association, the Government must be deemed to have withdrawn these charges against the State Congress and recognised it as a perfectly legal body."

Government, however, watched with interest and care his movements, his utterances and his writings in the Press and Government felt that the time had come to issue to him a final warning and they also informed him that they were compelled to withhold his pension. In reply to that he said that he knew that the pension was not a statutory grant and that it depended upon the sweet will and pleasure of Government. But at the same time he said that he was only exercising his rights and privileges as a citizen of the State.

MR. P. SIVARAMA PILLAI : If his utterances were seditious, is he not liable to be prosecuted ?

MR. M. GOVINDA PILLAI : He is certainly liable to be prosecuted.

MR. M. SIVATHANU PILLAI : Do Government propose.....

PRESIDENT : The intentions of Government are not proper subjects of interpellation.

MR. M. SIVATHANU PILLAI : Is there any instance of any other officer having been dealt with like that ?

MR. M. GOVINDA PILLAI : Well, Sir, not so far.

MR. T. C. KESAVA PILLAI : May I know from Government whether there are other pensioned officers on whom Government are having an eye ?

MR. M. GOVINDA PILLAI : Sir, if Government are convinced that the conduct of other pensioned officers requires watching, they will do so.

MR. T. C. KESAVA PILLAI : May I know whether Government are going to watch their movements hereafter with the help of the Inspector-General ?

MR. M. GOVINDA PILLAI : Government do not always require the assistance of the Inspector-General. They are always vigilant in watching the conduct of their pensioned officers, as well as others in the State.

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